



Department of Defense

DIRECTIVE

NUMBER 5400.12

December 2, 2004

DA&M

SUBJECT: Obtaining Information from Financial Institutions

- References:** (a) DoD Directive 5400.12, subject as above, February 6, 1980 (hereby canceled)
(b) Chapter 35 of title 12, United States Code, "Right to Financial Privacy Act of 1978"
(c) DoD Instruction 5400.15, "Guidance on Obtaining Information from Financial Institutions,"

1. REISSUANCE AND PURPOSE

This Directive:

- 1.1. Reissues reference (a) to update policies and responsibilities for obtaining access to financial records maintained by financial institutions.
- 1.2. Implements references (b) and (c) by providing guidance on the requirements and conditions for obtaining financial records.

2. APPLICABILITY AND SCOPE

This Directive:

- 2.1. Applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components").

2.2. Applies only to financial records maintained by financial institutions.

3. DEFINITIONS

Terms used in this Directive are defined in DoD Instruction 5400.aa (reference (c)).

4. POLICY

It is DoD policy that:

4.1. Authorization of the customer to whom the financial records pertain shall be sought unless doing so compromises or harmfully delays either a legitimate law enforcement inquiry or a lawful intelligence activity. If the person declines to consent to disclosure, the alternative means of obtaining the records authorized by reference (c) shall be utilized.

4.2. The provisions of reference (b) do not govern obtaining access to financial records maintained by military banking contractors located outside the United States, the District of Columbia, Guam, American Samoa, Puerto Rico, and the Virgin Islands. The guidance set forth in enclosure 16 of reference (c) may be used to obtain financial information from these contractor-operated facilities.

5. RESPONSIBILITIES

5.1. The Director of Administration and Management, Office of the Secretary of Defense, shall:

5.1.1. Exercise oversight to ensure compliance with this Directive.

5.1.2. Provide policy guidance to the affected DoD Components to implement this Directive.

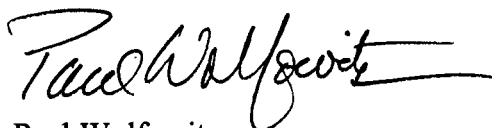
5.2. The Secretaries of the Military Departments and the Heads of the affected DoD Components shall:

5.2.1. Implement policies and procedures to ensure implementation of this Directive and reference (b) when seeking access to financial records.

5.2.2. Adhere to the guidance and procedures contained in reference (c).

6. EFFECTIVE DATE

This Directive is effective immediately.

A handwritten signature in black ink, appearing to read "Paul Wolfowitz", with a long horizontal flourish extending to the right.

Paul Wolfowitz
Deputy Secretary of Defense